Supreme Court, U.S.
FILED

00 697 SEP 26 2000

OFFICE OF THE CLERK

No. _____

In The

Supreme Court of the United States

RICHARD WILLIAM TURNER,

Petitioner,

v.

WARNER BROS. STUDIOS, WRITERS GUILD OF AMERICA,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

PETITION FOR WRIT OF CERTIORARI

RICHARD WILLIAM TURNER
Plaintiff In Pro Per
522 N. Flores St. #3
Los Angeles, CA 90048
(323) 658-6271

13PP

QUESTIONS PRESENTED

1) What are damages and awards related to an existant default that has gone unruled upon at the lower Court level?

2) Is question on ownership to a screenplay property through a Library of Congress Copyright only incumbant upon one party to action?

3) If defense fails to provide proof of their Library of Congress Copyright on the written word attached to complaint and claim, do they still have the right to ownership of story?

4) When a (written) property isn't destroyed: as per agreement; through licensee, does a breach of trust exist when said property is transferred to another party instead?

5) If there is no Library of Congress Copyright for story in question, does a registration and license (where statute has run) through a defaulted Writers Guild of America, hold more validity over no proof of written ownership by defense?

6) Is oral argument necessary, when proof of ownership for story in contention can be validated with a copy of a Library of Congress Copyright on written word related to story?

7) Could higher Court action have been averted with defense complying with a Court approved subpoena for their Library of Congress Copyright?

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States district court appears at Appendix 3 to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was In part – June 28, 2000. – RE: Warner Brothers In part – July 31, 2000 – RE: Writ of certiorari

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) Writers Guild of America is in default and has not been ruled on for damages and/or awards from the lower courts.

2) Defendants/Appellees have yet to prove ownership for said story in written word, through a Library of Congress Copyright of their own.

3) If there is no valid Library of Congress Copyright for written material in question, does a Writers Guild of America registration and license hold value for proof of original ownership, even if the statute of limitations has run out?

U.S. Const. amend. XIV.

STATEMENT OF THE CASE

The Writers Guild of America is in default and there was no ruling on damages and/or awards from the lower Courts.

Appellant wrote and registered an original written property based upon recurring characters in an existent novel that has been sequalized by MCA/Universal City Studios; of which, propounding party was then employed. Defense has failed to prove through Library of Congress Copyright, that the story in question is rightfully theirs by proof of ownership in written word.

A Court approved subpoena was issued defense for a copy of their Library of Congress Copyright, which wasn't honored or answered.

This case comes before this court for a decision on an existent default, as well as proof of ownership on an original story created off written word.

REASONS FOR GRANTING THE PETITION

The Writers Guild of America is in default, and damages and awards on complaint and claim haven't been ruled on at the lower Court levels. This action relates to a breach of trust between parties where an agreement was dishonored.

Defense has failed to provide valid proof of ownership on the written word attached to story in a Library of Congress Copyright – which, they demanded of Plaintiff. In fairness, the same must be asked of Appellees, for proof related to originality attached to their protected story in written word.

The Writers Guild of America is in default and unruled on where damages and awards are concerned.

There has never been a denial to misappropriation of property, and/or breach of trust by any party attached to case.

Defense has failed to provide evidence in regards to ownership on the written word related to specific story in question.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard William Turner

Date: 9-26-2000

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RICHARD WILLIAM TURNER, Plaintiff-Appellant, v. WARNER BROTHERS STUDIO, a subdivision of Time-Life Corporation; et al., Defendants-Appellees.	No. 00-55295 DC# CV-99-8406-LGB Central California ORDER (Filed Jun. 28, 2000)

Before: FERGUSON, RYMER and HAWKINS, Circuit Judges

Appellees' unopposed motion filed on April 26, 2000, is granted in part and denied in part as follows. Because a review of the record and the briefs indicates that the questions raised in this appeal are so insubstantial as not to require further argument, appellees' motion for summary affirmance is granted. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam). Appellees' motion for sanctions is denied.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RICHARD WILLIAM TURNER, Plaintiff-Appellant, v. WARNER BROTHERS STUDIO, a subdivision of Time-Life Corporation; et al., Defendants-Appellees.	No. 00-55295 DC# CV-99-8406-MLH Central California ORDER (Filed Jul. 31, 2000)

Before: Peter L. Shaw, Appellate Commissioner

On June 28, 2000, this court summarily affirmed the district court's judgment because the questions raised in this appeal are so insubstantial as not to require further argument. The court has received and reviewed appellant's letters dated July 1 and 16, 2000. The court declines to comment on the merits of this appeal, or to respond to appellant's questions concerning appellee The Writers Guild of America. To the extent appellant seeks review in the Untied States Supreme Court, appellant must file a petition for writ of certiorari in that court.

/s/ Peter L. Shaw
General Order 6.3(e)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Richard William Turner PLAINTIFF(S), v. Warner Brothers Studio et al. DEFENDANT(S).	CASE NUMBER CV 99-8406 LGB DEFAULT BY CLERK F.R.Civ.P. 55(a) (Filed Dec. 16, 1999)

It appearing from the records in the above-entitled action that summons has been served upon the defendant(s) named below, and it further appearing from the affidavit of counsel for Plaintiff, and other evidence as required by F.R.Civ.P. 55(a) and Local Rule 14.10, that each of the below defendants have failed to plead or otherwise defend in said action as directed in said Summons and as provided in the Federal Rules of Civil Procedure:

Now, therefore, on request of counsel, the DEFAULT of each of the following named defendant(s) is hereby entered:

agnst dft Writers Guild of America Inc

CLERK, U. S. DISTRICT COURT

Dated: January 3, 2000

By TRINA WASHINGTON
Deputy Clerk

Issued by the
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Richard William Turner V. Warner Brothers Studio	**SUBPOENA IN A CIVIL CASE** CASE NUMBER:[1] CV-99-08406 LGB (Mcx)

TO: Warner Bros. Studio Inc:
Quinn Emanuel Urquhart Oliver & Hedges, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, California 90017

[ ] YOU ARE COMMANDED to appear in the United States District Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY — COURTROOM

DATE AND TIME

[ ] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION — DATE AND TIME

[X] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents

---

[1] If action is pending in district other than district of issuance, state district under case number.

or objects at the place, date, and time specified below (list documents or objects):

Library Of Congress Copyright for DEEP BLUE SEA
One Copy of the screenplay, DEEP BLUE SEA
One Copy of the 1/2 inch home video DEEP BLUE SEA

PLACE Richard William Turner
522 N. Flores St. #3
Los Angeles, California 90048

DATE AND TIME
Jan. 15, 2000

[ ] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE
(INDICATE IF ATTORNEY FOR PLAINTIFF
OR DEFENDANT)
SHERRI R. CARTER, CLERK

DATE DEC 10 1999

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
/s/ Illegible DEPUTY CLERK

[illegible] N. SPRING ST.
LOS ANGELES CA 90012

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

BY: RICHARD WILLIAM TURNER

ADDRESS: 542 N. FLORES ST.
LA, CA 90048

TITLE: JAWS V
(MP SYNOPSIS)

[SEAL]

Charges for services in registering above titled manuscript in accordance with the provisions printed on the back hereof.

No. 399661

DATE NOV. 18 **1988**
REC'D. $ 10.00

REG. BY:_____
AFFILIATION:_____

WRITERS GUILD OF AMERICA, WEST, INC.
8955 BEVERLY BOULEVARD
WEST HOLLYWOOD, CALIFORNIA 90048
PHONE (213) 550-1000

By /s/ Blanche Baker

Duration: You hereby authorize the Guild to destroy the manuscript without notice to you on the expiration of five years from the date hereof. You may however renew the registration for an additional five years if before the expiration of the first five year period you pay the then applicable renewal fee and get a written receipt therefor. Fee should accompany request for renewal.

Withdrawal: At least 48 hours notice of intended withdrawal must be given to the Guild: If the manuscript is on micro-film, a per page charge at then current rates will be made at time of withdrawal.

Authority To Request Withdrawal: The manuscript will be given up only on your signature. Be sure the name under which you register is your legal name. The Guild is not bound to surrender a manuscript registered under a pseudonym without proof of identify. If the registration is in the names of more than one person, the written consent of all is required to authorize withdrawal. In case a registrant is deceased, proof of death and the consent of his representative or heirs must be presented.

Safekeeping: Registration is a service. Its purpose is to assist writers in establishing the completion date and the identity of literary property. The Guild assumes that you have retained, and you acknowledge that you have retained, a copy of this manuscript. Although the Guild will exercise reasonable care to protect the manuscript and the record of registration, it undertakes no responsibility for loss or destruction of the manuscript or of the registration records. In the event the manuscript is destroyed or damaged or lost, by reason of the Guild's failure to exercise reasonable care or by reason of any other cause whatsoever, it is agreed that the liquidated damages for the loss of the manuscript is and shall be $10.00.

Supreme Court, U.S.
FILED
SEP 26 2000
OFFICE OF THE CLERK

No. 00 697

In The

Supreme Court of the United States

RICHARD WILLIAM TURNER,

Petitioner,

v.

WARNER BROS. STUDIOS, WRITERS GUILD OF AMERICA,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI

RICHARD WILLIAM TURNER
Plaintiff In Pro Per
522 N. Flores St. #3
Los Angeles, CA 90048
(323) 658-6271

15pp

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No.: CV 99-8406 LGB (Mcx) **Date:** December 3, 1999

(Entered Dec. 7, 1999)

Title: *Turner v. Warner Brothers Studio, et al.*

DOCKET ENTRY

PRESENT: Hon. Lourdes G. Baird, United States District Judge

Karen Kirksey Deputy Clerk	None Court Reporter
ATTORNEYS PRESENT FOR PLAINTIFF:	**ATTORNEYS PRESENT FOR DEFENDANT:**
None	None

PROCEEDINGS:
In Chambers

The motion hearing currently scheduled for Monday, December 6, 1999 at 10:00 AM is hereby moved to Monday, December 6, 1999 at 3:30 PM.

Deputy Clerk
/s/ [Illegible] for K.K.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RICHARD WILLIAM TURNER, Plaintiff, v. WARNER BROTHERS STUDIO, a subdivision of TIME-LIFE CORPORATION, THE WRITERS GUILD OF AMERICA, and DOES 1 through XXX inclusive, Defendants.	CV 99-08406 LGB (Mcx) ORDER GRANTING DEFENDANT WARNER BROTHERS' MOTION TO DISMISS (Filed Dec. 8, 1999)

I. INTRODUCTION

This case arises from defendants' alleged infringement of plaintiff's synopsis. Currently before the Court is defendant Warner Brothers' motion to dismiss each of plaintiff's causes of action pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

II. FACTUAL AND PROCEDURAL BACKGROUND

Richard William Turner ("plaintiff") wrote a synopsis that was intended as a sequel to JAWS IV entitled JAWS V. *See* Compl. at 102. In 1999, defendant Warner Brothers Studios; a subdivision of Time Life Corporation ("defendant"), released the film DEEP BLUE SEA. *See id.* at 1. Plaintiff alleges that DEEP BLUE SEA infringes upon plaintiff's synopsis. *See id.* at 2-3. Plaintiff also joins as a defendant The Writer's Guild of America, West, Inc. ("WGA"). *See id.* at 1.

Plaintiff registered his synopsis with the WGA in 1988. *See id.* at 1-2. At the time of the WGA registration, Plaintiff was employed at MCA-Universal City Studios ("MCA"). *See id.* at 2. MCA is alleged to be the owner of the rights to the JAWS property. *See id.* at 1. Plaintiff alleges that his synopsis was not pitched or shown to anyone outside of MCA. *See id.* at 2. Plaintiff alleges that he is unaware how his synopsis reached defendant Warner Brothers, but indicates that Warner Brothers eventually became in possession of plaintiff's synopsis. *See id.*

Plaintiff seeks damages of one hundred million dollars. Plaintiff alleges that said damage amount constitutes an approximation that balances the budget of DEEP BLUE SEA with distribution, release and home video considerations, along with punitive damages. *See id.* at 3.

Plaintiff filed his Complaint on August 18, 1999. Defendant Warner Brothers filed the present Motions on October 28, 1999. Plaintiff filed Opposition on November 8, 1999. Defendant Warner Brothers filed their Reply on November 15, 1999.

III. LEGAL STANDARDS

A. RULE 12(b)(1)

Under Federal Rule of Civil Procedure 12(b)(1), a motion to dismiss for lack of subject matter jurisdiction may either attack the allegations of the complaint or may be made as a "speaking motion" attacking the existence of subject matter jurisdiction in fact. *See Land v. Dollar*, 330 U.S. 731, 735 n. 4 (1947). Where the jurisdictional

issue is separable from the merits of the case, the judge may consider the evidence presented with respect to the jurisdictional issue and rule on that issue, resolving factual disputes if necessary. *See Berardinelli v. Castle & Cooke, Inc.*, 587 F.2d 37 (9th Cir. 1978); *Sinclair v. Spatocco*, 452 F.2d 1213 (9th Cir. 1971). Faced with a factual attack on subject matter jurisdiction, the trial court may proceed as it never could under Rule 12(b)(6) or Rule 56 because no presumptive truthfulness need attach to plaintiff's allegations, and the existence of disputed material facts will not preclude the trial court from evaluating for itself the merits of jurisdictional claims. *See Thornhill Pub. v. General Tel. & Elec.*, 594 F.2d 730, 733 (9th Cir. 1979). Moreover, the plaintiff bears the burden of proof that jurisdiction does in fact exist. *See id.*

B. RULE 12(b)(6)

Federal Rule of Civil Procedure 12(b)(6) provides for dismissal when a complaint fails to state a claim upon which relief can be granted. *See* Fed. R. Civ. P. 12(b)(6). A complaint fails to state a claim if it does not allege facts necessary to support a cognizable legal claim. *See Balistreri v. Pacifica Police Dept.*, 901 F.2d 696, 699 (9th Cir. 1990); *Robertson v. Dean Witter Reynolds, Inc.*, 749 F.2d 530, 533-34 (9th Cir. 1984).

In reviewing a Rule 12(b)(6) motion, the Court must presume the truth of the factual allegations in the complaint and draw all reasonable inferences in favor of the nonmoving party. *See Parks Sch. of Bus., Inc. v. Symington*, 51 F.2d 1480, 1484 (9th Cir. 1995); *see also Usher v. City of Los Angeles*, 828 F.2d 556, 561 (9th Cir. 1987). Dismissal

under 12(b)(6) is appropriate "only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations." *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984) (*citing Conley v. Gibson*, 355 U.S. 41, 45-46 (1957)) (dismissal appropriate only where "plaintiff can prove no set of facts in support of his claim which would entitle him to relief"); *see also Ascon Prop., Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1152 (9th Cir. 1989). The issue is not whether the plaintiff will ultimately prevail, but whether the plaintiff is entitled to offer evidence to support the plaintiff's claim. *See Usher*, 828 F.2d at 561.

IV. ANALYSIS

In the caption of plaintiff's Complaint, plaintiff lists copyright, anti-trust, misappropriation, and unfair trade and exchange violations. In the body of the Complaint, however, plaintiff engages in a narrative without ever making any specific reference to federal or state laws.

Pursuant to the rule enunciated in *North American Phillips Corp. v. Emery Air Freight Corp.*, 579 F.2d 229, 233-234 (2nd Cir. 1978), plaintiff's lack of reference, or erroneous reference, to federal law is not controlling. As long as the nature of the federal right is clearly set forth, federal question jurisdiction attaches. Here, plaintiff's synopsis, a literary work, falls within the subject matter of the Copyright Act as set forth in 17 U.S.C. Section 102. Therefore, plaintiff's copyright claim can be rationally inferred from the body of the Complaint.

Indeed, the only claim that can clearly be inferred from the body of the Complaint is plaintiff's copyright

claim. Nevertheless, each of plaintiff's listed causes of action are addressed in turn:

A. Copyright

Except for two specific instances, not relevant here,[1] no action for infringement of a copyright in any work shall be instituted until registration of the copyright has been made. *See* 17 U.S.C. § 411(a); *S.O.S., Inc. v. Payday, Inc.*, 886 F.2d 1081, 1085 (9th Cir. 1989); *Jefferson Airplane v. Berkeley Systems, Inc.*, 886 F.Supp. 713, 715 (N.D. Cal. 1994) (stating "[s]uch registration is a jurisdictional prerequisite to a suit for infringement").

Here, plaintiff has not alleged that he has registered his copyright. In fact, plaintiff has admitted that plaintiff's synopsis "was *only* protected through registration at the Writer's Guild of America, West, Inc." *See* Compl. at 2 (emphasis added). Thus, plaintiff's failure to apply for a copyright registration deprives this Court of subject matter jurisdiction over plaintiff's copyright claim. As such, dismissal of plaintiff's copyright claim is appropriate under Rule 12(b)(1) and Rule 12(b)(6).

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[1] The two exceptions to the strict enforcement of 17 U.S.C. Section 411(a) involve actions for infringement of copyright in Berne Convention works whose country of origin is not the United States and actions brought for violation of the rights of an author under Section 106A(a) regarding visual arts. The Berne Convention allows foreigners, who have not registered, to sue for copyright infringements occuring [sic] after March 1, 1999. *See* Nimmer & Nimmer, Nimmer on Copyright § 7.16[B](1)(b). As an American writer, plaintiff does not fit within either of the exceptions mentioned in 17 U.S.C. Section 411(a).

B. Anti-trust

As previously discussed, the only claim that can rationally be inferred from the body of plaintiff's Complaint is plaintiff's copyright claim. As such, plaintiff has not presented facts that would give rise to a cause of action for anti-trust. Therefore, dismissal under Rule 12(b)(6) is warranted.

C. Misappropriation and Unfair Trade and Exchange

"[I]n any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy." *See* 28 U.S.C. § 1367; *Hunter v. United Van Lines*, 746 F.2d 635, 649 (9th Cir. 1984) (stating "[i]t makes no sense to speak of supplemental jurisdiction until after a court has independently acquired jurisdiction over a federal cause of action").

Here, the only federal claim that can rationally be inferred from the body of plaintiff's Complaint is plaintiff's copyright claim. As such, this Court assumes that plaintiff's claims for misappropriation and unfair trade and exchange are premised on California state law. Since this court has already dismissed plaintiff's federal claims for copyright and anti-trust, this Court does not have original jurisdiction over either of plaintiff's federal causes of action. As such, this Court declines to exercise supplemental jurisdiction under 28 U.S.C. Section 1367

over plaintiff's causes of action for misappropriation and unfair trade and exchange.

V. CONCLUSION

For the foregoing reasons, defendants' Motions to dismiss each of plaintiff's claims pursuant to Rules 12(b)(1) and 12(b)(6) are GRANTED without prejudice. In addition, if plaintiff does not file an amended Complaint within twenty (20) days from the date of this order, this Court shall grant this order with prejudice.

IT IS SO ORDERED.

DATED: 12/7/99

/s/ Lourdes G. Baird
LOURDES G. BAIRD
United States District Judge

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No.: CV-99-8406 LGB (MCx) **Date:** December 17, 1999

Title: Richard Turner v. Warner Brothers Studios et al.

(Entered Dec. 22, 1999)

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DOCKET ENTRY

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PRESENT: Hon. Lourdes G. Baird, United States District Judge

Karen Kirksey Deputy Clerk	None Court Reporter
ATTORNEYS PRESENT FOR PLAINTIFFS:	ATTORNEYS PRESENT FOR DEFENDANTS:
None	None

PROCEEDINGS:
In Chambers.

The Court is in receipt of plaintiff's "Request for Sixty (60) Day Delay For Amended Complaint." Plaintiff has provided no basis for this request. Furthermore, it is unclear how the requested extension will assist plaintiff in demonstrating federal jurisdiction. For the foregoing reasons, plaintiff's request is DENIED.

Deputy Clerk /s/ [Illegible]

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

RICHARD WILLIAM TURNER, Plaintiff, v. WARNER BROTHERS STUDIO, a subdivision of TIME-LIFE CORPORATION, THE WRITERS GUILD OF AMERICA, and DOES I through XXX inclusive, Defendants.	CV 99-08406 LGB (Mcx) ORDER **AMENDING THIS COURT'S DECEMBER 8, 1999 ORDER** GRANTING DEFENDANT WARNER BROTHERS' MOTION TO DISMISS (Filed Jan. 3, 2000)

The Court amends its December 8, 1999 order as follows: Page 7, strike the language between lines 1 through 4, starting with "**V. CONCLUSION**" on line 1, and ending with "prejudice" on line 4. Replace the stricken language with the following:

V. CONCLUSION

For the foregoing reasons, defendant's Motions to dismiss each of plaintiff's claims pursuant to Rules 12(b)(1) and 12(b)(6) are GRANTED WITHOUT PREJUDICE. Consequently, because the jurisdictional deficiency highlighted by defendant Warner Brothers affects this Court's power to hear the case altogether, the entire action is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED: December 29, 1999

/s/ Lourdes G. Baird
LOURDES G. BAIRD
United States District Judge

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES REOPENING/CLOSING

Case No. CV99-8406-LGB(Mcx) Date JAN 07 2000

Title: RICHARD WILLIAM TURNER vs WARNER BROTHERS STUDIO, etal

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PRESENT:

HON. LOURDES G. BAIRD, JUDGE

Karen Kirksey	**Not Present**
Deputy Clerk	**Court Reporter**

ATTORNEYS PRESENT FOR PLAINTIFFS	**ATTORNEYS PRESENT FOR DEFENDANTS**
Not Present	Not Present

PROCEEDINGS: In Court XXX **In Chambers**
XXX Counsel Notified

____ Case previously closed in error on entered date of _____. Make js-5.

____ Case should have been entered JS-6 on order filed _____. MAKE JS-6

____ Case settled but may be reopened if settlement is not consummated within ____ days. Mkae [sic] JS-6.

XXX **Other:** On 12-8-99, the Court granted defendant Warner Brothers' Studio's Motion to Dismiss without prejudice, and granted plaintiff leave to amend within 20 days. On 1-3-00, the Court further amended its

12-8-99 order dismissing the entire action without prejudice. As of today's date, NO AMENDED COMPLAINT HAS BEEN RECEIVED BY THE COURT. The Court further **ORDERS** this action **DISMISSED WITH PREJUDICE. MAKE JS-6**

XXX Entered JAN 11 2000 JS-6

IT IS SO ORDERED.

CV 74 (3/87) Initials of Deputy Clerk /s/ [Illegible]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No.: CV-99-8406 LGB (MCx) **Date:** January 21, 2000

(Entered Jan. 25, 2000)

Title: Richard Turner v. Warner Brothers Studios et al.

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DOCKET ENTRY

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PRESENT: Hon. Lourdes G. Baird, United States District Judge

Karen Kirksey	None
Deputy Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:	**ATTORNEYS PRESENT FOR DEFENDANTS:**
None	None

PROCEEDINGS: In Chambers.

The Court is in receipt of plaintiff's "Request for a New Trial – Hearing 15.3 (59-15.3)(a)(b)(c)(d)." As the case is now closed, plaintiff's request is DENIED.

Deputy Clerk /s/ [Illegible]

Supreme Court, U.S.
FILED
DEC - 7 2000
CLERK

(3)

No. 00-697

In The

Supreme Court of the United States

RICHARD WILLIAM TURNER,

Petitioner,

v.

WARNER BROS. STUDIO,
WRITERS GUILD OF AMERICA,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

PETITIONER'S STATEMENT

RICHARD WILLIAM TURNER
Plaintiff In Pro Per
522 N. Flores St. #3
Los Angeles, CA 90048
(323) 658-6271

INTRODUCTION

MCA/Universal City Studios owns the rights and licensing to JAWS, which is properly copyrighted. This studio has sought to capitalize off this property in a number of sequels. As such, JAWS cannot be used without express written consent. However, as an employee of MCA/Universal City Studios, this litigant sought valid license and registration under this company-owned property through the Writers Guild of America as another sequel for said property. Under the copyright laws, this "story" (expressly intended as an "In-house" sequel) was duly protected through an existent copyright exclusively owned by MCA/Universal City Studios. The "story" in question was never submitted outside MCA/Universal City Studios, except for "WGA" registration.

Respondents have failed to provide a valid Library of Congress Copyright on ownership to the written word attached to the "story" in question. By withholding critical evidence, Defense/Appellees have alternatively sought intimidation with this In Pro Per litigant for responsibility on legal defense fees on appeal. Records will indicate that penalty for defying their command has resulted in a doubling of monitory penalties, wherein, it is really by their own neglect in withholding evidence that this action is now before the Supreme Court of the United States.

The Writers Guild of America, Inc. (West and East) is in default and there's been no Ruling on relief or damages.

STATEMENT OF FACTS

This action arises off a misappropriation of a property that was properly registered and licensed through the Writers Guild of America, who now stands before this Court in default on an Antitrust complaint and claim.

CONCLUSION

While Respondents are freely willing to offer Corporate Disclosure, they've been unable to provide valid proof of ownership on the written word related to the "story" in question, which is what this case is all about. In the alternative, Petitioner has provided proof of ownership to the "story", having never hidden facts related to statute of limitations regarding the Writers Guild of America registration and license. Despite the statute of limitations and Petitioner's proof of ownership to original "story" in question, Respondents are unable to counter with legitimate proof of ownership to written word. No matter how miniscule, trite or minor proof of ownership is by this Petitioner, it outweighs no proof of ownership. All that was required by Respondents was a copy of their valid Library of Congress copyright for said "story", which they're unable to provide at any level of litigation.

SUMMATION

By Petition on unruled upon default against the Writers Guild of America is how this action is brought

before this Court, wherein a decision on damages should be ruled upon.

While this In Pro Per litigant has little control over Defense/Appellees/Respondents withholding critical evidence that could have circumvented higher Court action, now before the Supreme Court of the United States, they should be held in contempt, wherein further sanctions with penalty of fines levied and a decision against Respondents rightfully rendered in due course. They cannot supply proof of Library of Congress Copyright, because they have no proof of copyright for the written word. In addition to this, the Court must further recognize responsibility on damages being properly paid out and not legally maneuvered into more needless litigation waged against this In Pro Per litigant. Withholding evidence and contempt was their choice. Accordingly, justice must be served, honored and ultimately fulfilled by this Honorable Court.

Respectfully submitted,

RICHARD WILLIAM TURNER
Plaintiff In Pro Per
522 N. Flores St. #3
Los Angeles, CA 90048

(323) 658-6271